



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH

Private and Confidential

**Review of Safeguarding Practice
In the religious congregation of
The Sisters of Charity of Jesus and Mary
undertaken by**

**The National Board for Safeguarding Children in the
Catholic Church in Ireland (NBSCCCI)**

**This report was undertaken at the invitation of the Provincial,
Sr Elizabeth Roche**

July 2014

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Background

The National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) was asked by the Sponsoring Bodies, namely the Irish Episcopal Conference, the Conference of Religious of Ireland and the Irish Missionary Union, to undertake a comprehensive review of safeguarding practice within and across all the Church authorities on the island of Ireland.

The NBSCCCI is aware that some religious congregations have ministries that involve direct contact with children while others do not. In religious congregations that have direct involvement with children, reviews of Child Safeguarding have been undertaken by measuring their practice compliance against all seven Church standards. Where a religious congregation no longer has, or never had ministry involving children and has not received any allegation of sexual abuse, the NBSCCCI reviews are conducted using a shorter procedure. The size, age and activity profiles of religious congregations can vary significantly and the NBSCCCI accepts that it is rational that the form of review be tailored to the profile of each Church authority, where the ministry with children is limited or non-existent. The procedure for assessment of safeguarding practice with such congregations is set out in the contents page of this report. The NBSCCCI welcomes that in order to have full openness, transparency and accountability, religious congregations that do not have ministry with children have made requests to have their safeguarding practice examined and commented upon.

The purpose of this review remains the same and it is to confirm that current safeguarding practice complies with the standards set down within the guidance issued by the Sponsoring Bodies in February 2009 *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* and that all known allegations and concerns had been appropriately dealt with. To achieve this task, safeguarding practice in each of these Church authorities is reviewed through an examination of policy and procedures and through interviews with key personnel involved both within and external to the religious congregation.

This report contains the findings of the *Review of Safeguarding Practice within the Congregation of the Sisters of Charity of Jesus and Mary* undertaken by the NBSCCCI in line with the request made to it by the Sponsoring Bodies.

The findings of the review have been shared with a reference group before being submitted to the Provincial along with any recommendations arising from the findings. The review is not based on a review of case material as during the relevant time period there were no allegations made against members of the congregation that were within the Terms of Reference. There also were no allegations in respect of other forms of abuse within the time period, in respect of deceased and living members of the congregation. The review therefore is primarily based on policies and procedures made available plus interviews with key personnel involved in the safeguarding process within the Congregation, particularly in the services run by the Congregation.

1. Introduction

The Congregation of the Sisters of Charity of Jesus and Mary was founded in Belgium in 1803 by Canon Peter Joseph Triest. The aim of the Sisters was to unite the contemplative life with the exercise of charity and they devoted their lives to caring for the poor and destitute. The origins of the Congregation lie in the need at that time for the Church to find a response to 'poverty, moral depravity and the crying need for education'¹. Later in the 19th century they established missions in the Belgian Congo and India. In September 1888 the first Sisters of Charity of Jesus and Mary came to England at the invitation of the Bishop of Salford, to care for and educate the destitute children of the diocese and installed their first community in Hollymount. The Congregation was established in fourteen countries, across Europe, Africa and Asia. It currently has three European provinces; two provinces in India, provinces in Pakistan and Sri Lanka and two provinces in Africa. In addition there are two regions – in Mali and Rwanda. Within the last 8-10 years the Congregation has a presence in the Phillipines and Vietnam Globally the Sisters of Charity of Jesus and Mary have some 1200 Sisters. Their main areas of activity are those of education, nursing, care for the elderly and disability.

2. Role Profile (past and present role with children):

The Sisters established their first community in Ireland in 1946 at Moore Abbey Monasterevin, Co Kildare, which was opened to cater for the needs of women with epilepsy. A second house was opened in 1952 at South Hill, Delvin, Co Westmeath, to provide residential care for people with intellectual disabilities and education. It took in its first group of children with learning disabilities in 1954 and thereafter provided both residential care and education for such children. In the 1960's Moore Abbey changed its focus to meeting the needs of people with intellectual disabilities, including a small group of children. From 1983 the Sisters ran a service for pre-school children with intellectual disabilities in Mullingar. Over time lay people became more involved in the management of both institutions and in 2000 work began on creating a structure to secure the long term future of the services for intellectually disabled children and vulnerable adults. An interim Advisory Board was created, whose work culminated in the formal handing over of services from the Sisters of Charity of Jesus and Mary to the Muiriosa foundation at the beginning of 2012. The Muiriosa foundation is a company limited by guarantee with charitable status. It is still chaired by a Sister from the congregation, but all of the other Directors are now lay people. Its principal funder is the HSE and it provides a range of services – residential, respite, day services, education and multi-disciplinary supports to people with intellectual disabilities across six midlands counties.

¹ www.sistersofcharityofjesusandmary.zv.org

Currently the Sisters have relatively little direct contact with children and families. One sister co-ordinates a children's liturgy group on Sundays in a parish, and two are on the Board of management of a special school.

3. Profile of Members:

There are nineteen Sisters resident in the four communities in Ireland. The majority are retired, with their average age in late seventies.

4. Policy and Procedures Document:

The child safeguarding policy and procedures of the Sisters of Charity of Jesus and Mary are contained in the document entitled *Child and Vulnerable Adult Safeguarding Policy Document – Anglo Irish Province*, which is dated 11.03.2014 and which has been signed off by the Provincial Leadership Team. The document is very comprehensive, addressing safeguarding for both children and adults, which is consistent with the Congregation's focus on services for people with intellectual disabilities of all ages. The name and contact details of the Designated Person and contact numbers for the statutory agencies are listed.

The document states that a fundamental principle for the mission and ministry of every Sister is to protect children and vulnerable adults that the policy will be implemented consistently throughout the Anglo-Irish province by Sisters and all personnel working in ministry with, or on behalf of the Sisters. The SCJM policy for its Anglo-Irish region integrates a number of key safeguarding themes from policy documents in Ireland and in the UK, including *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland* (2009) and *Children First* (2011). Part 1 of the document, which addresses Standard 1, sets out a number of good practice principles, including a statement acknowledging the rights of children and vulnerable adults to be protected, treated with respect, listened to and have their own views taken into consideration.. It contains definitions of child abuse and information on presenting features.

Part 2 of the document, which addresses Standards 2 and 6, contains sections on responding to allegations; bullying and inappropriate behaviour; a section on access to advice and support; reference to mandatory reporting and whistle-blowing.

Part 3 entitled *Best Practice for Safeguarding* references Standards 3, 4, 5, 7 and contains information on codes of behaviour; giving clients the confidence to speak out; health and safety; trips away from home; social media; safe recruitment; complaints procedure; communication; implementation and monitoring. The Appendix to the document contains statements on the safeguarding roles and responsibilities of the Provincial Leader and the Designated Person; a Child/Vulnerable Adult Protection Recording Form; a Safe Recruitment and Selection Checklist; a Training Needs Identification template; and an index of other forms available from the NBSCCCI.

Standard 1.6 of the Guidelines underlines the need for safeguarding policies to state how individuals who pose a risk to children are managed. The safeguarding policy states that the Sisters will refer to the NBSCCCI for advice in these circumstances, including consideration of whether the accused should continue in her/his pastoral assignment, and how to assess or manage risk. This is an acceptable position. The policy, at its next revision, would benefit from more detail on the internal management processes that would be implemented after the civil processes have been completed to assess and manage risk, including the application of canon law, in the event of future allegations.

The Designated Safeguarding Person has carried out this role for more than five years, and has extensive experience in working with children and adults with intellectual disabilities. She has attended training provided by the NBSCCCI, as well as safeguarding training provided through Muiriosa. The training needs template enables her to monitor each Sister's training history, contact with children and training needs. All Sisters are provided with a copy of the safeguarding policy and are required to confirm that they have read and understood it. There are awareness raising workshops and use is made of notices, newsletters etc. to convey the safeguarding message.

The NBSCCCI notes that St. Mary's, Delvin is listed in the schedule to the Residential Institutions Redress Act 2002. Legal advice provided to the NBSCCCI has established that any matters dealt under the remit of the Redress Act must lie outside the scope of its child safeguarding reviews. The NBSCCCI was advised that no allegations have been received by the Sisters under these terms of reference. Whilst the Sisters have no direct experience of case management, the policy demonstrates that considerable energy and thought has been given to the range of safeguarding issues as required by the Congregation's commitment to the seven safeguarding standards. The work of the Designated Safeguarding Person is commended in this respect. The NBSCCCI notes the emphasis in the document on the rights of the child to protection and to the challenge of enabling children to participate.

The review has noted that the Sisters Charity of Jesus and Mary have a centralized (global) website. Whilst a statement referring to the safeguarding review was published, the website does not contain any access to the safeguarding policy and procedures. The Sisters have been asked to consider, through their Generalate in Brussels, whether the Irish safeguarding procedures can be made accessible electronically to the public.

5. Structures:

The Irish communities are part of the Anglo-Irish province, which is led by the Provincial Leader. The Provincial Leadership Team consists of a Provincial Leader and three other members overseeing eleven communities in the UK and Ireland. The Designated Safeguarding Person in Ireland is accountable to the Provincial Leader. The structure is illustrated on Page 8 of the policy document.

6. Management of Allegations and liaison with the statutory authorities:

As noted above, there have been no safeguarding allegations under the remit of the NBSCCCI review. Consequently there has been no need for direct communication between the Sisters and the statutory agencies. The policy contains relevant contact details.

The views of TUSLA were sought and provided as follows:

“This female Religious Order has been categorised as Category 2 meaning there have been no child sexual abuse allegations against members and those whose ministry does involve children in Ireland. There are 39 members in Ireland as of 31.03.2013. Any Sisters in ministry are guided by various child protection policies - DES, HSE and Congregational policy.

SCJM child protection policy has yet to be reviewed as part of our process. In the meantime we have no concerns about this Religious Order”.

An Garda Siochana reported that they have had no contact from this Order.

7. Conclusion

The review has established that the Sisters of Charity of Jesus and Mary is a congregation which currently has only limited contact with children and families because of its declining size, age profile and strategic decision to transfer its services to the Muiriosa foundation. It has a detailed safeguarding policy for children and vulnerable adults in place which evidences an ongoing commitment to best safeguarding practice and which substantially addresses the NBSCCCI safeguarding children standards.

RECOMMENDATION 1:

The Provincial should publish the safeguarding policy on the SCJM website.

RECOMMENDATION 2:

The Provincial to include reference in the policy to the internal management processes that would be implemented after the civil processes have been completed to assess and manage risk, including the application of canon law.

**Review of Safeguarding in the Catholic Church in Ireland
Small Religious Congregations**

Terms of Reference (which should be read in conjunction with the accompanying Notes)

Introduction

In order for the National Board to be able to state that all Church Authorities on the island of Ireland have been evaluated in respect of their child safeguarding policies and practices, both historical and current, then some form of appropriate assessment has to be conducted of every one of these. It is rational however that the form of assessment is tailored to the profile of each Church Authority, and that needless expenditure of resources and unnecessary interference in the life of religious orders and communities that have no children-specific ministry would be avoided.

This Review seeks to examine the current arrangements for safeguarding children across small Religious Congregations /Orders, and Missionary Societies in Ireland who have limited or no direct contact with children as part of the Congregations ministry.

It would also scrutinize practice within all known cases to ensure that they have been responded to appropriately.

The review's methodology is an adaptation of the methodology developed for all Dioceses and large religious congregations and missionary societies, where the ministry involves regular contact with children.

The proposed Review would consider the following:-

- (a) Former role with children
- (b) Allegations of child abuse against members and how these have been responded to
- (c) Existing relationships with statutory authorities such as the HSE, Gardai in the Republic and the HSCT or PSNI in Northern Ireland.
- (d) Policies in place and being applied for safeguarding children
- (e) Roles and responsibilities and where they exist the operation of Advisory Panels, and Safeguarding Committees

The objective of the Review would be to confirm if there have been any allegations and how known allegations have been responded to; in addition the review seeks to confirm what the current arrangements for safeguarding children are. In particular, emphasis will be placed on establishing how policies and practice match up to the standards set down in the Safeguarding Children Guidance published by the National Board for Safeguarding Children in the

Catholic Church launched in February 2009. Priority, at all times, will be given to how policy and practice can be improved and strengthened. If policies and/or practices are identified that are concerning, inadequate, or dangerous, they will be addressed through the provision of guidance and support, and through the reporting of these situations to the appropriate statutory authorities, if this has not already happened. Similarly, those that are good examples will be highlighted with a view to them being adopted comprehensively across all parts of the Church. All cases that relate to alleged or known offenders that are alive will be read and included in the Review. In cases where the alleged or known offender is deceased, these will be sampled in an attempt to gather learning from them that will be used to inform the framing of recommendations.

Guidance Documents

The Review will be guided by the following:-

- (a) Safeguarding Children: Standards and Guidance;
- (b) Children First Guidance in ROI; and Regional Child Protection Guidelines in Northern Ireland;
- (c) Legislation that exists in each jurisdiction which contributes to safeguarding children and young people.

The Review will be undertaken by the National Board for Safeguarding Children through their National Office and led by the Chief Executive Officer.

The Review process will be overseen by a **Reference Group** to whom the CEO will report on a regular basis. The membership of this **Reference Group** has been drawn from each of the statutory child protection agencies in both jurisdictions, along with eminent individuals in the field from academia. The current Reference Group consists of : Dr Helen Buckley (TCD); Mr Paul Harrison (Tusla), and John Toner (SBNI).

It is important to confirm that the value of the Review is dependent upon full and complete access to all relevant documentation and information relating to the abuse of children known to the individual Church authorities. The Review will proceed on the basis that willingness exists on the part of each of the subjects of the Review to provide full access to the fieldwork team, subject, where relevant, to the terms of the Data Processing Deed agreed between the Sponsoring Bodies and entered into between the parties hereto.

Step Guide to the Review Process

Step 1.

A letter of invitation to review is sent by the Provincial/Regional Superior or other person responsible for the Congregation/ Order or Missionary Society (hereinafter referred to as ‘the Ordinary’).

Step 2.

The CEO will forward a survey to the provincial which will identify:

- Current number of members
- Past role with children
- Current role with children
- Total number of allegations received up to 2014
- Number of living members against whom there are allegations

Step 3.

For any Order where there have been allegations a full review will proceed, as per step **4 - 23**. For those Orders where there have been no known allegations a desk top examination of policies and procedures will take place followed by a site visit to interview all relevant personnel within the safeguarding structure. For these orders **step 5 and 13-23** will apply.

Step 4.

The CEO and Ordinary will confirm the dates for the fieldwork for the Review, and names of the fieldwork team.

Step 5.

The Church Authority will be asked to make available all of the case files and related documentation in respect of any safeguarding concerns that have been identified within the diocese. The Church Authority will make available a room with wireless internet access for the reviewers to conduct their review of files, so that any records made by the reviewers can be directly typed and stored onto a secure server which is only accessed by the reviewers. In the absence of internet access the reviewers will type their notes onto a secure encrypted usb stick for later uploading onto the secure server.

Step 6.

The Church Authority will be requested to sign the revised Data Processing Deed prior to the arrival of the team.

Step 7.

The Church Authority will arrange a schedule of interviews with all who hold safeguarding roles within its functional area. The designated person and the Church Authority will be available to the reviewers throughout the period of fieldwork.

Step 8.

The fieldwork team when they arrive on site will firstly confirm that they have a suitable place to work in and that all the required documentation has been provided to them for their Review. In the event that the fieldwork team forms the opinion that the Church Authority has not provided access to all such documents, the Board shall give notice in writing to the Church Authority of the opinion of the fieldwork team and such notice shall specify the reasons for same. Thereupon, the Church Authority shall respond in detail to the Notice. Each party shall use its best endeavours to resolve any differences of opinion which shall arise and, in the event that resolution is not arrived at, the parties will attempt to resolve the dispute by recourse to the services of a mediator agreed between them or nominated for the purpose at the request of any of them without prejudice to the Board's entitlement to terminate the Review. In the event that resolution has not been arrived at following mediation, either party shall be at liberty to terminate forthwith the Review.

Step 9.

On arrival, the fieldwork team should be supplied with a single case file index that lists all the cases that have been created within the diocese. These may be divided into two groups. The first group will contain all allegations that relate to living alleged or known perpetrators. The second will contain any that are deceased.

Step 10.

Depending on the volume involved a decision should be made as to whether all or a random sample of the "deceased group" should be reviewed. Care should be taken to include all prominent cases in the sample.

Step 11.

Each case file will be reviewed by each fieldworker independently in the first instance. They will create a written summary with chronological information of the case. In certain cases a second reader may be required, this will be discussed and agreed between the fieldworkers.

Step 12.

Following the reading of the case and the creation of a summary, the fieldworkers will analyse and assess the actions taken in the case. They will assess compliance with agreed Church policy that was extant at that time. They will also indicate whether any current risk exists in respect of the information contained within the file and advise the church Authority of necessary safeguarding action to reduce the risk.

Step 13.

When all the case files have been read, the fieldwork team will then examine and review any procedures or protocols that exist within the diocese to confirm that they are in compliance with the *Safeguarding Children: Standards and Guidance* document issued by the NBSCCCI in February of 2009.

Step 14.

To complete the Review, the fieldwork team will then seek to speak to those directly involved in the safeguarding structure in the diocese. This should include the Advisory Panel, a sample of parish safeguarding representatives, the designated person, the safeguarding committee, victim support and advisors and the Bishop/Provincial. The purpose of these interviews is to form a view of the competence and effectiveness of the safeguarding structure that exists within the Church Authority.

Step 15.

The fieldwork team will also seek to speak to representatives of the key statutory agencies to provide them with an opportunity to express their views on the quality of the working relationships that exist between them and the Church Authority.

Step 16.

A verbal feedback session on initial key findings will be given to the Church Authority.

Step 17.

Upon completion of the field work, the team may request to take materials – other than casework records to review off-site; this alongside all materials gathered by the reviewers, including written notes on cases and meetings, will be analysed and will form the basis of the draft assessment review report.

Step 18.

The draft will be forwarded to the Church Authority for factual accuracy checking.

Step 19.

Alongside all other reports under review, the report will be presented in draft to the Reference Group for their critique and comment. If further work is required at the direction of the Reference group the CEO will ensure this work is completed and advise the Church Authority accordingly.

Step 20.

The report will be legally proofed by NBSCCCI lawyer.

Step 21.

The report will be forwarded to the National Board for approval

Step 22

A final draft report will then be submitted to the Church Authority. The expectation would be that the Report will be published by the Church Authority at an agreed time in the future.

Step 23.

All case material written, including summaries, as part of the review, which are for the reviewers use only, will be stored on a secure server.

Guide for Reviewers

In terms of small (female religious orders) reference should be made to the following:

1. Has the Order provided alternative care to children in an orphanage, industrial school or children's residential home, but no longer is engaged in running such services;
2. Has the order provided education to children, in both or either boarding schools and day schools, but no longer does so ;
3. Has the order provided medical and/or nursing services to children, but no longer does so;
4. Has the order provided any other services to children, in community services centres, youth clubs etc., and no longer does so;
5. Does the order currently provide any sort of service to children and families that brings them into regular contact with children;
6. Has the order never provided any service to children (e.g. contemplative orders).

In relation to category 1 above;

1. The reviewers will establish whether any service they provided is included in the list of children's residential services produced by the Residential Institutions Redress Board (RIRB);
2. If this is the case, reference should be made to this.
3. If complaints have been referred to the Redress Board or Ryan Commission, this review cannot access these records and that will be stated in the report.
4. If the order has received complaints which have not been processed through Redress or Ryan these cases will be thoroughly examined as detailed above.

Review of Policy and Procedures

1. It is recognised that not all Orders will have any ministry with children and therefore their policies and procedures should reflect the work that they do with children.
2. If the Order only works through other organisations, example in Diocesan work or in schools, they are required to follow the policies of those organisations.
3. If there are gaps in the policy document an assessment should be made as to whether the ministry engaged in requires full compliance with all criteria attached to the seven standards
4. Where it is clear that the criteria do not apply a reference should be made at the beginning of the review report that the Order's ministry is not directly with children and therefore adherence to particular criteria do not apply.
5. If the Order is a contemplative Order, there is no expectation that they will have detailed policies and procedures, but reference should be made to their ministry and that they have no contact with children.
6. In all cases, contact will be made with the civil authorities to identify if they have any child safeguarding concerns in relation to the order.